

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

Civil Action No. 12 cv 4838

-against-

ROBERT GORDON, d/b/a ALL OF OUR BUTTS;
MARCIA GORDON; JOHN DOES 1-5, being persons
who own, are employed by or are associated with ALL OF
OUR BUTTS; REGIONAL INTEGRATED LOGISTICS,
INC., d/b/a REGIONAL PARCEL SERVICES; and JOHN
DOES 6-10, being persons who own, are employed by or
are associated with Regional Integrated Logistics, Inc. d/b/a
Regional Parcel Services,

**DECLARATION OF
ADAM J. RADER**

Defendants.

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Adam J. Rader affirms as follows:

1. I am a member of the firm Anderson Kill & Olick, P.C., attorneys for the Defendants Robert Gordon, d/b/a All Of Our Butts and Marcia Gordon (hereinafter "Gordon Defendants"). I am fully familiar with the facts and circumstances of this matter and submit this Declaration in support of the Gordon Defendants' Motion To Dismiss The Complaint.
2. Attached hereto as **Exhibit A** is a true and correct copy of the Amicus Brief of New York City submitted to the Circuit Court of Appeals for the District of Columbia in Gordon v. Holder, Nos. 12-5031 and 12-5051, dated June 11, 2011
3. Attached hereto as **Exhibit B** is a true and correct copy of the Declaration of Eric Proshansky submitted in support of the Amicus Brief of New York City submitted to the Circuit Court of Appeals for the District of Columbia in Gordon v. Holder, Nos. 12-5031 and 12-5051, dated June 11, 2012.
4. Attached hereto as **Exhibit C** is a true and correct copy of the All Of Our Butts Business License issued by the Seneca Nation of Indians.
5. Attached hereto as **Exhibit D** is a true and correct copy of relevant portions of the Trial Transcript in U.S. v. Morrison, No. 04-CR-699, dated March 31, 2008.
6. Attached hereto as **Exhibit E** is a true and correct copy of relevant portions of the Transcript of Oral Argument before the Supreme Court in Hemi Group, LLC v. City of New York, No. 08-969, dated November 3, 2009.

7. The Gordon Defendants have complied with Rule 3(B)(i) of Judge Furman's Individual Rules and Practices in Civil Cases by sending Plaintiff a letter dated August 17, 2012 setting forth the pleading deficiencies in the Complaint and other reasons and controlling authorities that the Gordon Defendants contend warrant dismissal of Plaintiff's Complaint.

I declare under the penalties of perjury that the foregoing is true and correct.

Respectfully submitted,

/s/ Adam J. Rader

Adam J. Rader (AR 3530)

Dated: New York, New York
September 7, 2012